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LLC

8  
9 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION  
11

12 ROOTS READY MADE GARMENTS CO.  
13 W.L.L.,

14 Plaintiff,

15 v.

16 THE GAP, INC., a/k/a, GAP, INC., GAP  
INTERNATIONAL SALES, INC., BANANA  
17 REPUBLIC, LLC, AND OLD NAVY, LLC

18 Defendants.  
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**FILED**

DEC 14 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

DEC 14 2007

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CLERK, U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

Case No. C 07-03363 CRB

**PROOF OF SERVICE**

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I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Keker & Van Nest, LLP, 710 Sansome Street, San Francisco, California 94111.

On December 14, 2007, I served the following document(s):

**MOTION TO DISMISS SECOND AMENDED COMPLAINT [FILED UNDER SEAL]**

by **COURIER**, by placing a true and correct copy in a sealed envelope addressed as shown below, and dispatching a messenger from Nationwide Legal, with instructions to hand-carry the above and make delivery to the following during normal business hours, by leaving the package with the person whose name is shown or the person authorized to accept courier deliveries on behalf of the addressee.

Richard A. Jones, Esq.  
Covington & Burling LLP  
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San Francisco, CA 94111

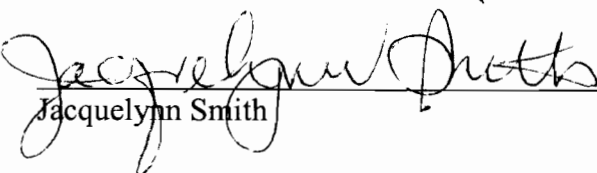
by **UNITED STATES MAIL**, by placing a true and correct copy in a sealed envelope addressed as shown below. I am readily familiar with the practice of Keker & Van Nest, LLP for collection and processing of correspondence for mailing. According to that practice, items are deposited with the United States Postal Service at San Francisco, California on that same day with postage thereon fully prepaid. I am aware that, on motion of the party served, service is presumed invalid if the postal cancellation date or the postage meter date is more than one day after the date of deposit for mailing stated in this affidavit.

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Executed on December 14, 2007, at San Francisco, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

  
Jacquelyn Smith